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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

MARVIN DAWSEY

CIVIL ACTION NO. 08-00274

VS.

JUDGE HAIK

**US COMMISSIONER SOCIAL
SECURITY ADMINISTRATION**

MAGISTRATE JUDGE METHVIN

JUDGMENT

This matter was referred to United States Magistrate Judge Mildred E. Methvin for a Report and Recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

Accordingly, **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the Commissioner's decision be **REVERSED** and the case **REMANDED** to the Commissioner for reconsideration by a vocational expert whether there is gainful employment in the national economy Dawsey is capable of performing. Motion to Dismiss (rec. doc. 13) be **GRANTED** and the petition be **DENIED AND DISMISSED WITH PREJUDICE** as moot.

Lafayette, Louisiana, this 26th day of August, 2009.


**RICHARD T. HAIK, SR.
DISTRICT JUDGE**